

91152313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OSHO FRIENDS INTERNATIONAL,

Opposer/Petitioner,

v.

OSHO INTERNATIONAL FOUNDATION,

Applicant/Respondent

Opposition No. 121,040
Opposition No. 150,372
Opposition No. 150,379
Cancellation No. 31,932

01-24-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #70

STIPULATED MOTION TO CONSOLIDATE AND FOR AN EXTENSION OF THE
DISCOVERY AND TRIAL DATES

Applicant/Respondent, Osho International Foundation, through its attorneys, brings this stipulated motion to consolidate the above-referenced proceedings with Opposition Nos. 91152313 and 91153103 because the parties in these proceedings are the same and the proceedings involve common questions of law or fact. In addition, in order for discovery in these cases to proceed efficiently, the parties request that the discovery and trial dates in the above-referenced opposition/cancellation proceedings be extended to May 4, 2003, which is the discovery date set for Opposition No. 91153103. Pursuant to this extension, the discovery and trial dates will be as follows:

Discovery period to close:

May 4, 2003

Testimony period for party in
Position of Plaintiff to close
(opening thirty days prior thereto):

August 2, 2003

DD

Testimony period for party in
Position of Defendant to close
(opening thirty days prior thereto):

October 1, 2003

Rebuttal testimony period
To close (opening fifteen days
prior thereto):

November 15, 2003

This request for an extension of time is not for purposes of delay and was stipulated to in a telephone discussion between Applicant/Respondent's counsel, Sara Edelman, and Opposer/Petitioner's counsel, Gina L. Durham on January 15, 2003. The parties would like additional time to complete discovery, including the taking the depositions of certain witnesses who are not currently in the United States and to prepare for trial.

Dated: January 17, 2003
New York, New York

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

1/20/03

Date

Sara Edelman

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
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Mailed: February 7, 2003

Opposition No. 91/121,040
Opposition No. 91/150,372
Opposition No. 91/150,379
Opposition No. 91/152,313
Opposition No. 91/153,103
Cancellation No. 92/031,932

OSHO FRIENDS INTERNATIONAL

v.

OSHO INTERNATIONAL
FOUNDATION

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

Defendant's consented motion (filed January 24, 2003) to consolidate two additional referenced oppositions (those set forth in bold in the caption of this order) with the parties' four previously consolidated proceedings is hereby granted.¹

¹ When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

In view thereof, Opposition Nos. 121,040, 150,372, 150,379, 152,313, and 153,103, and Cancellation No. 31,932 are hereby consolidated.²

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 121,040 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear all six proceeding numbers in its caption. Exceptions to the general rule involve stipulated extensions of the trial dates, see Trademark Rule 2.121(d), and briefs on the case, see Trademark Rule 2.128.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

² The Board notes that it consolidated Opposition No. 121,040 and Cancellation No. 31,932 in its July 23, 2001 order and consolidated Opposition Nos. 150,372 and 150,379 with those proceedings in its July 26, 2002 order.

Discovery and trial dates for the consolidated proceedings are hereby reset in accordance with defendant's motion, those dates being as follows:

DISCOVERY PERIOD TO CLOSE: 5/8/03

Plaintiff's 30-day testimony period to close: 8/6/03

Defendant's 30-day testimony period to close: 10/5/03

15-day rebuttal testimony period to close: 11/19/03